

**Idaho Fish and Game Commission
Annual Meeting January 10-12, 2007
Fish and Game Headquarters
Boise, ID**

January 10, 2007

Chairman Wheeler called the meeting to order at 1:15 p.m. All Commissioners were present except Alex Irby. Chairman Wheeler distributed a copy of the signed Memorandum of Understanding (MOU) (Appendix 40, Exhibit 1) between the Idaho Fish and Wildlife Foundation, Idaho Department of Fish and Game and Idaho Fish and Game Commission. The MOU was signed November 18, 2006.

WORKSHOP

Mule Deer Initiative Workshop

Brad Compton, State Wildlife Manager stated that the purpose of the workshop is to provide the Commission with a review and update of the Department's Mule Deer Initiative program. Mr. Compton introduced John Chatburn, Deputy Administrator and Dr. Gregg Ledbetter from the Department of Agriculture. He noted that Mr. Chatburn would be speaking regarding winter feeding.

Winter Feeding

John Chatburn, Department of Agriculture, distributed copies of Idaho Code Section 02.04.25 – Rules Governing Private Feeding of Big Game Animals (Appendix 40, Exhibit 2). Mr. Chatburn spoke regarding rules and regulations for winter feeding. Mr. Chatburn commended IDFG field staff in regions 5 and 6 for their working relationship with the Department of Agriculture in the last few years.

Brad Compton reviewed the history, statutes, policies, regional criteria, budget and winter feeding programs in the regions (Appendix 40, Exhibit 3).

Phil Mamer, IDFG, Veterinarian, reported on disease issues and the State Brucellosis Management Plan. (Appendix 40, Exhibit 3)

Review of the Mule Deer Initiative Action Plan

The following speakers provided briefings regarding the MDI Plan:
(Appendix 40, Exhibit 3)

Habitat – Paul Wackenhut, Southeast Region Habitat Manager

- Review the habitat improvement action items, accomplishments, challenges and solutions

Populations – Randy Smith, Magic Valley Region Wildlife Manager

- Review antlerless deer management and review the action items, accomplishments, challenges and solutions

Access – Jim Mende, Southeast Region Environmental Staff Biologist

- Review motorized vehicle rule and Forest Service Travel Plan activities

Communications – Kelton Hatch, Magic Valley Regional Conservation Educator

- Summarize communication efforts, review the action items, accomplishments, challenges and solutions

Enforcement – John Hanson, Upper Snake Regional Conservation Officer

- Summarize MDI enforcement efforts, review the action items, accomplishments, challenges and solutions

Predators – Toby Boudreau, Mule Deer Initiative Coordinator

- Summarize predator management activities and review the action items, accomplishments, challenges and solutions
- Outcome/objectives – Toby Boudreau, Mule Deer Initiative Coordinator
- Review the list of desired outcomes and objectives

MISCELLANEOUS

Adjournment

The Commission meeting adjourned at 5:45 p.m.

RULES

PUBLIC MEETING

Chairman Cameron Wheeler called the meeting to order at 7:00 p.m. He introduced special guest Mr. Bert Stevenson, Chairman of the House Resource Committee; and Commissioners Tony McDermott, Alex Irby, Bob Barowsky, Wayne Wright, Randy Budge and Gary Power. Staff introductions were made and the hearing was opened for public comment.

Brad Compton, Big Game Manager gave a brief synopsis of action items and Department recommendations for non-biological rules: method of take, equipment restrictions and allocation of controlled hunt permits/tags listed on the Commission meeting agenda for Thursday.

Mitch Sanchotena is in favor of having lighted reticle scopes and supports the staff recommendation.

Ralph Grieninger is opposed to more liberal archery season and equipment regulations.

Jeff Fealko, representing Idaho Traditional Bowhunters, opposes the archery restrictions and would like to see more restriction of 80% in the let –off with a definition. He referenced in handouts to the Commission from Petersen’s Bowhunting evolution of archery past 25 years and statewide elk bowhunting proposals.

Joseph Peterson, Flying B Ranch spoke regarding Landowner Appreciation and participates in the program. He stated that LAP should be a reward for providing habitat for a public resource on private ground. Having a transferable tag is truly a reward and incentive for landowners. He also feels domestic elk should be treated as livestock.

Blake Fischer, Idaho Traditional Bowhunters, does not support the Department proposed changes. He feels that there is a contradiction of the recommendations, in that the Department is recommending making archery easier, yet more difficult for muzzleloaders.

Roy Sterns, Black Canyon Elk Ranch, spoke regarding domestic elk. He stated that he raises healthy meat and sells it all over the west. He wants to pass on this agricultural venture to his son. His industry is heavily regulated, follows the regulations, and is a responsible steward.

Kelton Larsen representing Sportsmen for Fish and Habitat and himself, stated that there is a road kill problem on Highway 30 near Montpelier. He referenced a meeting with Governor Otter on mule deer buck: doe ratios, and mandatory reporting. Mr. Larsen stated he would like to see a reduction of tags for non residents in Units 75-76-77- and 78 in the Southeast Region.

Bill Squires, Traditional Muzzleloaders, does not feel that further restricting muzzleloaders is the way to regulate harvest, since seasons and limits should do that. Mr. Squires stated that the new definition of muzzleloader described in the Department’s proposal seems to be someone’s opinion, not Traditional.

Terry Bensen feels that hunters should choose their weapon and have more black powder hunts.

Steve Waters would like to see more muzzleloader hunts. He feels more education is needed for muzzleloaders.

Scott Rose, representing Lightforce, referenced a letter sent to Commissioners regarding Equipment Restriction Review- Electronic Reticle Scopes. He is in favor of the lighted reticle scope.

Al Marion is disappointed in the Department’s recommendations for muzzleloaders; although he does agree on the bullet weight recommendation. He recommended not redefining muzzleloader as “Traditional”; but to reject use of telescopic sights; and redefine legal projectile by weights not diameter.

Jim Justice agrees with the muzzleloader recommendations but would like the wording in c. number 9 to include the wording “Is equipped with an exposed pivoting hammer” removed and only have the wording “having an exposed ignition system.” He would like the word “traditional” taken away from the muzzleloader hunts and classify them as muzzleloader as muzzleloader hunts.

Ken Smith representing himself spoke regarding unlimited controlled hunts in Region 7, Units 21,28,36, 36-B and 36-A for deer. Mr. Smith owns and operates Ken Smith’s Hunting Idaho in Unit 36A. Mr. Smith presented Commissioners with a copy of his comments.

Mike Murray spoke regarding muzzleloader projectiles, calibers and powders. His recommendation is to have three powders, loose, black or triple seven that would be legal to use.

Allen Hoover stated that he agrees with the Department recommendation for the maximum caliber. He spoke regarding Idaho Law limiting firearms for hunting to 16 lbs. and the concern from some sportsmen on the fair chase act.

Charles Starks, representing the Traditional Muzzleloading Association (TMA) stated that the TMA is a nationwide organization and he would like to give the organization’s opinions on what is happening nationwide. He provided the Commission with a handout stating their comments.

Nate Helm, representing Sportsmen for Fish and Wildlife (SFW) spoke on a number of topics. He expressed his thanks to the Commission for the technology workshop; thanks to Brad Compton for the mule deer survey coming out and including sportsmen in the creation of the questions. Mr. Helm stated that the deer population in the Southeast Region is not meeting its management objectives. He stated that the HIP, CREP, and the Farm Bill Programs that the Department is working on are making a difference in the pheasant population. Mr. Helm relayed questions he is hearing from sportsmen on pheasant harvest. He stated that the sportsmen expect the dollars collected from the emergency winter feeding program to be used for that program. The concerns are the fund is substantial and growing. Perception from sportsmen is that the Department is against feeding. He referenced the Sportsmen Day to be held at the Statehouse on January 11th. SFW supports the Pilot Project in the Magic Valley Region. Mr. Helm thanked the Department for their efforts in protecting a critical piece of property in Redbird Canyon.

Grant Simonds, Executive Director of the Idaho Outfitters and Guides Association, stated that IOGA urges the Department to adopt a policy that would benefit both guided and non-guided hunters. He recommended that one year notice be provided to the public before significant changes are adopted that would affect general season antlered deer and elk hunts, including controlled antlered deer and elk hunts. Mr. Simonds also urged the Department and the Commission to adopt biennial rules for big game seasons (deer, elk, pronghorn, bear and mountain lion) beginning in March of 2007.

Travis Bullock stated that he favors the bow hunting let-off recommendation. Mr. Bullock stated that the late season November deer tags in the Middle Fork wilderness that they are seeing a lot of wasted game. He would like game wardens in the area to check out this problem.

Nathan Cuvala supports minimum arrow length, changing muzzleloader hunts to traditional weapon only hunts and supports removing the $\frac{3}{4}$ curl rule for big horn sheep.

Shane Sterling would like to see two separate muzzleloader types: short range weapons season should be traditional muzzleloader only; and traditional muzzleloader should have external pivoting hammer.

MISCELLANEOUS

Adjournment

The Commission meeting adjourned at 8:25 p.m.

January 11, 2007

MISCELLANEOUS

Opening Comments

Chairman Wheeler called the meeting to order at 8:15 a.m. Commissioners McDermott, Irby, Barowsky, Wright, Budge, and Power were present.

Agenda Changes

Chairman Wheeler noted that budget modification 6. E. for the Clearwater Shooting Range donated by the Potlatch Corporation would be added to Agenda # 6 Consent Calendar.

Review of Public Comment

The Chairman noted that public comments on nonbiological rules will be considered during the rulemaking process later in the meeting.

DIRECTOR'S REPORT

Interim Director Mansfield referenced the Department's *Direction 2007* brochure (Appendix 40, Exhibit 4). Director Mansfield would like feedback from the Commission and their approval to provide copies to Legislators. He noted that the lease for the Redbird Property had been fully executed and a signed copy of (Appendix 40, Exhibit 5) was provided to Chairman Wheeler. Mr. Mansfield noted the Association of Fish and Wildlife Agencies will be hosting a Congressional visit to promote the State Wildlife

Grants in March and the Department is arranging for staff to represent the Department; and the In-service Training School will be held May 21-24th in Boise for all Department staff.

FISCAL

Jim Lau Budget Briefing

Jim Lau, Chief of Administration, provided a copy of the Department's FY2008 Budget request and an agency expenditure summary handout to the Commissioners (Appendix 40, Exhibit 6). He reviewed employee benefits, inflation increases and CEC pertaining to the budget. Mr. Lau noted that a budget request for capital outlay from the Permanent Building Fund for an expansion of the Pocatello office was approved in the amount of \$770,000.

MISCELLANEOUS

Commissioner Reports

Southeast Region: Commissioner Budge reported that Regional staff is conducting wildlife aerial surveys and radio collaring on mule deer fawns; fawn trapping data indicates that fawns are somewhat smaller this winter; and the area is experiencing a mild winter so far that should result in lower fawn mortality. The Advisory Committee has not yet identified an emergency winter feeding need; elk numbers in Units 76, 66-A continue to increase and the domestic elk controversy has calmed down in the Region. Officers are working on several high profile elk waste cases in the Soda Springs and Blackfoot area; fishing in the Southeast Region continues to benefit from last water year.

Magic Valley: Commissioner Wright reported that weather conditions have been ideal for fish and wildlife; the deer and elk winter ranges look good. Mule deer herd composition surveys were completed in Units 45, 54, and 55; additional surveys will be conducted in Unit 54 to confirm or reassess low fawn ratio. There has been no winter feeding of elk at Department sanctioned sites in Units 43 and 48. Commissioner Wright referenced the large die-off of mallard ducks on a spring-fed stream in the Oakley, Idaho area. The cause of death was thought to be from moldy corn located in a field or silage pit near the stream. Staff has been busy providing technical assistance to regulatory agencies.

Panhandle Region: Commissioner McDermott reported that the snow pack is 110% of normal; winter range is in good shape and aerial counts have started in the Region. Harvest rates of all species is high; 600 bears have been harvested this year and the number of hunters is up. Angler harvest of lake trout in Lake Pend Oreille was at 16,000 harvested for 2006. Harvest of rainbow trout was 5,948 fish through December. The Farragut Range court hearings were held in December. The judge has not yet issued his decision on the suit by "Citizens Against Range Expansion" to close the Farragut shooting range.

Southwest Region: Commissioner Barowsky reported that Harris Ranch property donation adjacent to the Boise WMA has been finalized. The Foundation holds the title

but the Department will manage the property. In Units 32,33,35, and 39 the buck:doe ratios were better than expected. The Region has been contacted by 22 landowners in response to the press release regarding winter feeding for turkeys, but only 2 have actually requested feed at this time. Staff from Fisheries and Communications are working on expanding fishing education programs in the Region.

Salmon Region: Commissioner Power reported that steelhead fishing is going well; the snow pack is very low. Enforcement has done a good job of keeping up with ORV restrictions this year. Aerial surveys are being complicated by the weather conditions; fish management and the screen shop are working on long term fixes to reconnect some of the streams that have been not been connected to the Lemhi and the Salmon River in a number of years; Carmen Creek and Big Timber Creek have recently been connected. The Pahsimeroi Access site has been signed; this acquisition is being worked on with the Nature Conservancy. Hunter numbers are up but success rates are down.

Clearwater Region: Commissioner Irby reported on the \$25,000 donation from Potlatch for the Clearwater indoor shooting range. There has been a lot of interest and positive feedback in the Redbird property purchase; the Redbird property acquisition is good for the future of wildlife. Steelhead fishing is good and deer and elk surveys are underway.

Upper Snake Region: Commissioner Wheeler reported that he will meet with the Chief of Fisheries to discuss Island Park reservoir; a wolf pack was reported at Tex Creek; the cow population is down this year, more data to be gathered; the elk herd is too big at Tex Creek. Over all, the Region is in pretty good shape.

CONSENT CALENDAR

07-01 Commissioner Power moved and Commissioner Irby seconded a motion TO ADOPT THE AUGUST 7-8, AUGUST 24 AND SEPTEMBER 8, 2006 MINUTES WITH THE EXCEPTION TO CHANGE THE DATE IN THE AUGUST 24 MINUTES PAGE 136 TO REFLECT AUGUST 30 NOT JULY 31. The motion carried in a unanimous vote.

07-02 Commissioner Irby moved Commissioner McDermott seconded a motion TO ADOPT THE FINANCIAL REPORT AS REPORTED. The motion carried in a unanimous vote.

07-03 Commissioner Barowsky moved and Commissioner Power seconded a motion TO ACCEPT THE DEPARTMENT RECOMMENDATIONS FOR THE WINTER FEEDING ADVISORY COMMITTEE AS PRESENTED WITH THE EXCEPTION THAT THE 2 VACANCIES IN THE SALMON REGION WILL BE FILLED AT A LATER DATE. The motion carried in a unanimous vote.

07-04 Commissioner Wright moved and Commissioner Barowsky seconded a motion TO ACCEPT THE BUDGET ADJUSTMENT IN THE CONSENT CALENDAR TO ASSIST THE BUREAU OF LAND MANAGEMENT WITH THE

REVISION OF THE JARBIDGE RESOURCE MANAGEMENT PLAN. The motion carried in a unanimous vote.

07-05 Commissioner Irby moved and Commissioner Power seconded a motion TO ACCEPT THE BUDGET ADJUSTMENT FOR THE INDOOR SHOOTING RANGE IN THE CLEARWATER REGION. The motion carried in a unanimous vote.

RULES

Big Game: Nonbiological Rules for Big Game Animals

Brad Compton, State Big Game Manager, presented the proposed non-biological rule changes for big game animals (Appendix 40, Exhibit 7). Mr. Compton stated that the Commission considers changes to non-biological rules in January each year. Non-biological rules include: method of take, equipment restrictions, allocation of controlled hunt permits/tags, etc. Biological rules, considered in March, include: seasons, bag limits, sex restrictions, and species restrictions.

2007 Nonbiological Big Game Rule Recommendations (Appendix 40, Exhibit 8)

RULE: 13.01.17.100. Use of bait for black bears.

ISSUE: Definition of Bait: Trapping rules [13.01.16.400.03(a)] prevent the use of domestic or wild game birds, game animals, game fish, or protected nongame wildlife as bait. Black bear baiting rules do not differentiate between the use of domestic or wild game animals, game birds, or game fish. For clarification and consistency, the Department proposes to adopt the trapping rules definition of prohibited bait for baiting black bears. Additionally, Enforcement personnel have requested the proposed change to assist with enforcement of illegal baiting practices.

RECOMMENDATION: 13.01.17.100.03(a). No parts of domestic or wild origin game animals, game birds, game fish, or protected nongame wildlife may be used as bait.

07-06 Commissioner Barowsky moved and Commissioner Irby seconded the motion TO ADOPT AS A TEMPORARY RULE A CHANGE TO 13.01.17.100.03(A) THAT NO PARTS OF DOMESTIC OR WILD ORIGIN GAME ANIMALS, GAME BIRDS, GAME FISH, OR PROTECTED NONGAME WILDLIFE MAY BE USED AS BAIT. The motion carried in a unanimous vote.

RULE: 13.01.08.410. Unlawful methods of take.

ISSUE: Electronic Devices: Currently, Idaho rules prohibit the use of any electronic device attached to a firearm or scope. Some hunters, particularly those with poor eyesight, have requested a rule change to allow for the use of scopes with lighted reticles (e.g. "Red Dot" scopes). It is currently legal to use lighted reticle scopes for hunting upland game birds (such as turkeys) in Idaho, but not for big game.

RECOMMENDATION: 13.01.08.400.01(e). With any electronic device attached to, or incorporated in, the firearm (including handguns and shotguns) or scope; EXCEPT scopes containing battery powered or tritium lighted reticles are allowed.

07-07 Commissioner Irby moved and Commissioner Budge seconded a motion TO ADOPT AS A TEMPORARY RULE THE DEPARTMENT RECOMMENDATION A CHANGE TO 13.01.08.410 (E) TO ALLOW THE USE OF LIGHTED RETICLES SCOPES FOR BIG GAME HUNTING. The motion carried with Commissioners McDermott, Irby, Barowsky, Budge voting yes and Commissioners Wheeler, Wright and Power voting no.

RULE: 13.01.08.410. Unlawful methods of take.

ISSUE: Maximum Caliber Restriction: Currently, Idaho does not impose a maximum caliber restriction for firearms used to hunt big game. Some hunters are concerned about the “fair chase” aspects of long-range cartridges and have requested a rule change to prohibit the use of 50 caliber or larger centerfire cartridges.

RECOMMENDATION: Implementing a restriction against 50 caliber centerfire cartridges would inadvertently prohibit the use of some older black powder cartridges (e.g. 50-70, 50-80, 50-90, etc.) and large gauge shotgun slugs. No recommended changes.

07-08 Commissioner Budge moved and Commissioner Irby seconded a motion TO ADOPT AS A TEMPORARY RULE THE DEPARTMENT RECOMMENDATIONS (NO CHANGE). The motion carried in a unanimous vote.

RULE: 13.01.08.410. Unlawful methods of take.

ISSUE: Archery Let-Off: Currently, Idaho prohibits the use of archery bows with greater than 65% let-off for hunting big game. All other western states allow bows with greater than 65%. Additionally, the availability of bows with 65% let-off is becoming more limited. Harvest information from other western states suggests that increasing allowable let-off would have no effect on hunter effectiveness or success rates.

RECOMMENDATION: 13.01.08.410.02(h). Eliminate rule restricting bows to <65% let-off.

07-09 Commissioner Power moved and Commissioner McDermott seconded a motion TO ADOPT AS A TEMPORARY RULE TO CHANGE THE 65% LET-OFF TO HAVE THE RULE RESTRICT BOWS TO LESS THAN OR EQUAL TO 85% LET-OFF. The motion carried with Commissioners Wheeler, Wright, Irby, Budge, Power, McDermott voting yes and Commissioner Barowsky voting no.

RULE: 13.01.08.410. Unlawful methods of take.

ISSUE: Arrow Weight: Currently, Idaho prohibits the use of arrows weighing less than 400 grains for hunting big game. Some hunters, particularly children and women, have requested allowing the use of lighter arrows for better arrow flight. The states of Montana, Utah, and Washington don't allow the use of arrows weighing less than 300 grains. Other western states do not have a rule regarding arrow weight. Some hunters are concerned light arrows do not provide adequate penetration. Harvest information from other western states suggests that decreasing the allowable arrow weight would have no effect on hunter effectiveness or success rates.

RECOMMENDATION: 13.01.08.410.02(i). With an arrow and broadhead, or bolt and broadhead, with a combined total weight of not less than three hundred (300) grains.

07-10 Commissioner McDermott moved and Commissioner Wright seconded a motion TO ADOPT AS A TEMPORARY RULE THE DEPARTMENT RECOMMENDATION TO REDUCE ARROW WEIGHT RESTRICTION FROM 400 GRAINS TO NOT LESS THAN 300 GRAINS. The motion carried in a unanimous vote.

RULE: 13.01.08.410. Unlawful methods of take.

ISSUE: Arrow Length: Currently, Idaho prohibits the use of arrows less than 12 inches in length for hunting big game. Some hunters have requested increasing this minimum length to 24 inches to be more consistent with other states and to help ensure against using arrows that are too light, or too short, for adequate penetration. Increasing the minimum arrow length from 12 inches to 24 inches is unlikely to affect hunter effectiveness or success rates. Any change would not apply to bolts used in crossbows.

RECOMMENDATION: 13.01.08.410.02(j). With an arrow less than twenty-four (24) inches from the broadhead to the nock inclusive.

07-11 Commissioner Irby moved and Commissioner Power seconded a motion TO ADOPT AS A TEMPORARY RULE THE DEPARTMENT RECOMMENDATION TO INCREASE MINIMUM ARROW LENGTH FROM 12 INCHES TO 24 INCHES. The motion carried in a unanimous vote.

RULE: 13.01.08.410. Unlawful methods of take.

ISSUE: Traditional Muzzleloader Definition: In 2001, Idaho began implementing traditional muzzleloader big game hunting seasons to offset the improved technology of modern day muzzleloaders and to maintain muzzleloader hunting opportunity. Traditional muzzleloaders are defined as only being loaded with loose black powder, Pyrodex, or synthetic black powder; only being loaded with a patched round ball or conical non-jacketed projectile comprised solely of lead or lead alloy (sabots not allowed); and having an exposed pivoting hammer. Some newer muzzleloaders have an exposed pivoting hammer 'in-line' with the ignition source and barrel, and are currently legal to use in traditional muzzleloader hunts. Some hunters have requested the definition of a traditional muzzleloader be changed to only allow for muzzleloaders with pivoting hammers located along the side of the firearm (e.g. "sidelocks").

RULE: 13.01.08.410. Unlawful methods of take.

ISSUE: Muzzleloader Opportunity: In the late 1980s, Idaho offered numerous big game hunts for muzzleloaders and over 10,000 hunters participated annually. Recently, the number of special muzzleloader hunts for big game and the number of muzzleloader hunters have declined. Reduced mule deer numbers, improved muzzleloader technology, and relatively high muzzleloader hunter success are primary reasons for declining muzzleloader hunting opportunity. The Commission is considering whether to restrict all special season big game muzzleloader hunts to traditional muzzleloader. In-line muzzleloaders would remain legal in any-weapon hunts. In short-range weapon hunts, only traditional muzzleloaders would be allowed. Converting all regular muzzleloader hunts to traditional muzzleloader hunts would allow the Commission to offer additional special muzzleloader hunts.

RULE: 13.01.08.410. Unlawful methods of take.

ISSUE: Muzzleloader Projectiles: Currently, Idaho requires the use of 45 caliber or larger muzzleloaders for hunting deer, pronghorn, and mountain lion; and the use of 50 caliber for elk, moose, bighorn sheep, mountain goat, or black bear. Additionally, Idaho restricts muzzleloader projectiles to no less than .428 caliber. Some hunters are concerned that 45 caliber round balls are inadequate for big game. Some hunters are also concerned that light weight bullets designed for pistols do not ensure adequate penetration on big game. Some hunters have also requested that current rules be changed to eliminate the use of 45 caliber muzzleloaders and to include a minimum projectile weight to ensure adequate projectiles are used. Research confirms that heavy, well-constructed bullets perform better in penetration tests.

RECOMMENDATION: 13.01.08.410.03.

- a. With a muzzleloading rifle or musket which is less than forty-five (.45) caliber for deer, antelope, or mountain lion, or which is less than fifty (.50) caliber for elk, moose, bighorn sheep, mountain goat, or black bear. (7-1-93)
- b. With any electronic device attached to, or incorporated in, the muzzleloader. (3-30-01)
- c. During a MUZZLELOADER ONLY season, with any firearm, muzzleloading pistol or other implement other than a muzzleloading rifle or musket which: (7-1-93)
 - i. Is loaded only with a projectile of at least four hundred ninety (.490) caliber or have a minimum weight of 240 grains for hunting deer, pronghorn, or mountain lion.
 - ii. Is loaded only with a projectile of at least four hundred ninety (.490) caliber or have a minimum weight of 300 grains for hunting elk, moose, bighorn sheep, mountain goat, or black bear.
 - iii. Is loaded only with a patched round ball or conical non-jacketed projectile comprised wholly of lead or lead alloy. Sabots are not allowed
 - iv. Is capable of being loaded only from the muzzle. (7-1-93)
 - v. Is equipped only with open or peep sights. (7-1-93)
 - vi. Is loaded only with loose black powder or, Pyrodex or other synthetic black powder. ()
 - vii. Is equipped with no more than two (2) barrels. (7-1-93)
 - viii. Is equipped only with flint, musket cap, or percussion cap. (4-6-05)

ix. Is equipped with an exposed pivoting hammer and having an exposed ignition system.

Commission Action: Adopted Department Recommendation with amendment:

i. Is loaded with a projectile with a diameter of no less than ten-one thousandth (.010) of an inch of the bore diameter.

Clean Muzzleloader Rules:

a. With a muzzleloading rifle or musket which is less than forty-five (.45) caliber for deer, antelope, or mountain lion, or which is less than fifty (.50) caliber for elk, moose, bighorn sheep, mountain goat, or black bear. (7-1-93)

b. With any electronic device attached to, or incorporated in, the muzzleloader. (3-30-01)

c. During a MUZZLELOADER ONLY season, with any firearm, muzzleloading pistol or other implement other than a muzzleloading rifle or musket which: (7-1-93)

i. Is loaded with a projectile with a diameter of no less than ten-one thousandth (.010) of an inch of the bore diameter.

ii. Is loaded only with a patched round ball or conical non-jacketed projectile comprised wholly of lead or lead alloy. Sabots are not allowed

iii. Is capable of being loaded only from the muzzle. (7-1-93)

iv. Is equipped only with open or peep sights. (7-1-93)

v. Is loaded only with loose black powder or, Pyrodex or other synthetic black powder. ()

vi. Is equipped with no more than two (2) barrels. (7-1-93)

vii. Is equipped only with flint, musket cap, or percussion cap. (4-6-05)

viii. Is equipped with an exposed pivoting hammer and having an exposed ignition system.

07-12 Commissioner Budge moved and Commissioner Wright seconded a motion TO ADOPT AS A TEMPORARY RULE THE DEPARTMENT RECOMMENDATION LISTED ABOVE UNDER CLEAN MUZZLELOADER RULES. The motion carried in a unanimous vote.

RULES

Access Yes: Rules to Implement Pilot Project

Mr. Compton presented the proposed rules for Landowner Access Yes! Permits (Appendix 40, Exhibit 9). He stated that the Commission considers changes to non-biological rules in January each year. Non-biological rules include: method of take, equipment restrictions, allocation of controlled hunt permits/tags, etc. The Landowner Appreciation Permit (LAP) and Access Yes! (AY) programs were both developed under the leadership of the Fish and Game Advisory Committee. The Magic Valley currently has the highest numbers of participants in LAP (280 farms/ranches, 700,000 acres private land) and AY (39 contracts, 184,000 acres private land). Both programs are popular

based on enrollment but program limitations exist and need to be addressed. The Commission directed the Department to develop a 3-year pilot project in the Magic Valley that accommodates more landowners (participants of LAP & AY), increases hunting access, improves habitat, and is cost effective. This assignment launched a public input campaign to determine what incentives (in addition to direct payments) landowners want in exchange for allowing public access for hunting and fishing, and also what sportsmen would support as additional incentives. Non-transferable tags were found to be of interest to landowners and acceptable to sportsmen. This presentation is intended to communicate the rules needed to allow non-transferable Landowner Access Yes! Permits.

The Department proposed nonbiological rule changes as follows for Landowner Access Yes! Permits:

Eligible Applicant is a landowner or authorized corporate or partnership representative that has property providing significant wildlife habitat and desirable hunting, fishing, or trapping opportunity.

Eligible Property must be located in the Magic Valley Region (Units 43, 44, 45, 46, 47, 48, 49, 52, 52A, 53, 54, 55, 56, & 57) and is not restricted by acreage size. The property must be registered in *Access Yes!* and provide access for hunting, fishing, or trapping.

Access Yes! Permits are nontransferable except to immediate family members.

Immediate Family Members include the parents, spouse, children and in-laws.

Access Yes! Bids are written proposals submitted by the landowner and describe how public access will be allowed in exchange for certain incentives. Landowners may request multiple permits and designate them to family members. Bids are scored and ranked in order of priority by the Sportsmen Review Committee using bid selection criteria.

Issuance of Permits: Landowners may bid for landowner tag(s) offered in the Magic Valley Region regardless of eligible property location. Once the Department has determined the number of controlled hunt permits to be issued in any given hunt unit (during March), an additional 15% MAY be issued as landowner Access Yes! permits. Applications will be entered into a first-come first-served draw process whereby the applications are processed in order of priority. This proposal will not increase the number of landowner tags allowed by current Commission rule.

Future Scoping: The actual number of landowner permits (LAP & Access Yes!) will be determined when big game seasons are approved in March. This rule will impact Unit 45 LAP applicants if LAP permits are reduced from 25% to 10% (to provide 15% for AY!).

07-13 Commissioner Wright moved and Commissioner Irby seconded a motion TO PROCEED WITH THE PILOT PROJECT IN THE MAGIC VALLEY AS OUTLINED BY BRAD COMPTON. The motion carried in a unanimous vote.

RULES

Big Game: Biological Rules for Moose, Sheep, and Goat

Dale Toweill, Wildlife Program Manager presented the Department recommendation for moose, bighorn sheep, and mountain goat rules for the 2007/2008 hunting season (Appendix 40, Exhibit 10).

07-14 Commissioner Power moved and Commissioner Barowsky seconded a motion TO ADOPT AS A TEMPORARY RULE THE DEPARTMENT RECOMMENDATION FOR MOOSE, MOUNTAIN GOAT AND BIG HORN SHEEP WITH THE EXCEPTION TO REDUCE THE NUMBER OF PERMITS TO 8 OPPOSED TO 15 IN HUNT AREA 27-1. The motion carried in a unanimous vote.

REPORT

Domestic Elk

Jim Unsworth, Chief, Bureau of Wildlife, presented a report (Appendix 40, Exhibit 11) on Domestic Elk Farming. Mr. Unsworth stated that the growth of the captive elk industry in Idaho, especially “shooter bull” operations, has created numerous questions and challenges for the Idaho Department of Fish and Game (IDFG). Idaho State Department of Agriculture (ISDA) has statutory authority over domestic cervids, which include elk, fallow deer and reindeer, and has implemented rules for the operation of such facilities. IDFG has statutory authority over all free-ranging wildlife as well as captive possession of wildlife with the exception of upland game birds, fur farm animals and domestic cervids and has implemented rules for the possession of wildlife.

The Commission and Department do not have a policy on domestic cervidae farming. Staff recommends the Commission develop and articulate a policy position on domestic elk farming and “shooter-bull” operations.

Commission discussion followed on suggested staff ideas to develop a Commission position statement on domestic elk. Several bills will be considered by the Legislature and the Department will be asked to provide comment.

Chairman Wheeler suggested that the Commission and staff work on a draft statement position and present it to the Commission on Friday morning.

MISCELLANEOUS

Hunter Ed Awards

Walter Okamoto, Mesa, and Ike Fullington, Boise were recognized by the Commission with its “Continuing the Hunting Heritage” Award. Mr. Okamoto has been a hunter education instructor for 22 years and a bowhunter instructor over 6 years. He has instructed 35 hunter and bowhunter education classes resulting in 460 graduates. Mr. Fullington was certified as a Region 3 hunter education instructor in 2004 and a bowhunter instructor in 2005. He has assisted and instructed in 54 classes which accounted for 1,310 graduates.

LEGISLATION

Legislative Session Update

Ms. Sharon Kiefer reviewed legislative issues of interest that will be addressed during the 2007 Legislative Session. She provided a Legislative Directory and a copy of the public meeting notice referencing the scheduled Legislative Commission conference calls, to the Commissioners (Appendix 40, Exhibit 12).

Ms. Kiefer noted that the confirmation hearings for Commissioners Budge and Barowsky will be conducted in the Senate Resource Committee on Friday, January 12th and that it will be a hearing only. The JFAC hearing is scheduled for February 5th at 10:00 a.m.

MISCELLANEOUS

License and Tag Refunds

Interim Director Mansfield and Craig Wiedmeier provided an overview of the existing Commission Rule and Policy direction to the Director regarding refunds and rain checks for trophy species and controlled hunt tags.

In 2004, the Commission authorized the Director to review the facts in each request and to resolve them in the most appropriate manner. The Commission’s guidance was based on its decision not to deal with individual requests for refunds and rain checks but to delegate the task to the Director.

Staff Recommendation: The Commission affirm previous guidance given to the Director to review nonresident refund and rain check requests and to broaden that authority for the Director to review resident refund and rain check requests based upon medical disabilities or death of an immediate family member.

07-15 Commissioner Wright moved and Commissioner Irby seconded a motion TO AFFIRM THE 2004 ACTION RELATED TO NONRESIDENTS AND TO APPROVE THE STAFF RECOMMENDATION FOR THE DIRECTOR TO REVIEW RESIDENT REFUND AND RAIN CHECK REQUESTS. The motion carried in a unanimous vote

REPORTS

Pheasants, HIP, CREP, and Farm Bill

Jeff Gould, Upland Game and Habitat Manager, provided an overview of how the Clearwater Pheasant Initiative could be replicated and funded in Southern Idaho (Appendix 40, Exhibit 13). Mr. Gould stated that this presentation will high-light a variety of work occurring throughout the State and how CREP and Farm Bill reauthorization provide significant opportunities to develop more fish and wildlife habitat on private lands.

07-16 Commissioner Budge moved and Commissioner Irby seconded a motion TO ACCEPT THE STAFF RECOMMENDATIONS AS OUTLINED. TO AUTHORIZE AND DIRECT THE DEPARTMENT TO CONTINUE WITH ITS EFFORTS TO APPLY THE SUCCESS OF THE CLEARWATER PHEASANT INITIATIVE TO OTHER PARTS OF THE STATE WITH EMPHASIS ON THE CREP PROGRAM; WITH CLEAR DIRECTION AND SUPPORT FOR THE DEPARTMENT EFFORTS TO EXPAND THE FEDERAL FARM BILL AND OTHER PRIVATE LAND HABITAT ENHANCEMENT PROGRAMS ACROSS IDAHO. IN ADDITION, THE DEPARTMENT WILL BRIEF THE COMMISSION IN FUTURE MEETINGS TO OUTLINE THE PROGRESS AND NEEDS WITH RESPECT TO FUTURE FUNDING AND STAFFING SO THAT THE COMMISSION CAN TAKE APPROPRIATE ACTION TO ADDRESS THEM. The motion carried in a unanimous vote.

Wolf Management Planning

Steve Nadeau stated that the U.S. Fish and Wildlife Service had recently indicated the desire to publish a delisting rule on wolves by the end of January. The Department has been planning for wolf management as a big game animal and how it will proceed in planning for wolf hunting. This presentation is to provide information and get direction on timelines and process that will be used.

Mr. Nadeau, provided a power point presentation to the Commissioners (Appendix 40, Exhibit 14). The presentation covered delisting; population status; wolf and livestock conflicts for 2006; wolf harvest management plan; wilderness monitoring; and Clearwater wolves. Mr. Nadeau noted delisting discussions are still on going with

Wyoming. There is an alternative delisting proposal that goes along the state boundaries that would exclude Wyoming and they are aware of the alternative proposal. The delisting proposals are still on track for January. Commission discussion followed on the delisting process.

Commission Position on Domestic Cervidae

The Commission developed and adopted a Position Statement Regarding Domestic Elk (Appendix 40, Exhibit 15). Jim Unsworth, Chief of Wildlife, distributed a copy of the Department's White Paper Issue Statement: Domestic Elk Farming (Appendix 40, Exhibit 16). Mr. Unsworth will take copies of both documents to the Joint Senate and House Agricultural Affairs Committee meeting on Friday. In addition, these documents will be used as information during the Legislative Session when the Department is called upon to testify in committee hearings.

07-17 Commissioner Budge moved and Commissioner Barowsky seconded a motion TO ADOPT THE PROPOSED POLICY STATEMENT REGARDING DOMESTIC ELK AS WRITTEN. The motion carried in a unanimous vote.

Adjournment

The meeting adjourned at 7:05 p.m. and the Commission went into Executive Session.

MISCELLANEOUS

Executive Session

07-18 Commissioner Irby moved and Commissioner Barowsky seconded a motion TO HOLD AN EXECUTIVE SESSION, PURSUANT TO IDAHO CODE 67-2345(1)(C) PERTAINING TO LAND ACQUISITIONS. The motion carried in a unanimous vote.

The executive session ended at 8:03 p.m. and no official action was taken.

January 12, 2007

Chairman Wheeler called the meeting to order at 8:10 a.m. All Commissioners were present.

MISCELLANEOUS

Commissioner Budge commented regarding dedicated funds established by statute. He would like a review on how funds are generated and available to the Commission for habitat purposes. He would like to know where funds come from that are utilized for

habitat purposes and how they are restricted and allocated. Commissioner Budge would also like staff to review how some of the neighboring states deal with the issue of raising funds which are to be used for habitat; and what restrictions might exist on those funds. Chairman Wheeler suggested a workshop at the May Commission meeting to cover these issues.

RULES

Landowner Access Yes

Jim Unsworth addressed the Commission regarding the presentation Thursday on Landowner Access Yes Rules. He noted the wording on the rule section covering immediate family members: defined as parents, spouse, children or in-laws. Mr. Unsworth would like Commission approval to add lineal descendents under children, which would allow the landowners grandchildren to utilize the permit as well. Commission members agreed with the suggested change to the rule.

MISCELLANEOUS

Winter Feeding Appointment Salmon

07-19 Commissioner Power moved and Commissioner Irby seconded a motion TO APPOINT JANET KELLAM AND BEN FORSGREN TO SERVE ON THE WINTER FEEDING ADVISORY COMMITTEE FOR THE SALMON REGION. The motion carried in an unanimous vote.

RULES

Lake Pend Oreille Fishing Closure

Bill Horton, State Fisheries Manager, presented an update (Appendix 40, Exhibit 17) to the Commission on Lake Pend Oreille. He noted in May 2006, the Commission modified fishing rules on Lake Pend Oreille tributaries which included the opening of the Clark Fork River to year round fishing and establishing an early opening date (April 1) for Pack River and Grouse and Lightning creeks. This action was taken to increase harvest of rainbow trout from Lake Pend Oreille to help reduce their population numbers. The reduction in both rainbow trout and lake trout numbers is needed to reduce their predation on kokanee.

In addition to allowing anglers to harvest rainbow trout in tributary streams, the Department established a Harvest Incentive Program to increase harvest during 2006.

At the time of the action last May, the Commission requested an update on fish population status in Lake Pend Oreille and the opportunity to review changes by the January 2007 meeting.

Recent rainbow harvest and current population data, along with kokanee survival information, indicate that conditions in Lake Pend Oreille still have not improved sufficiently to allow the kokanee population to rebound.

The staff is recommending that the Commission not take any action on current fishing rules in Lake Pend Oreille at this time.

07-20 Commissioner McDermott moved and Commissioner Barowsky seconded a motion TO ACCEPT THE DEPARTMENT RECOMMENDATIONS TO RETAIN THE CURRENT FISHING RULES IN LAKE PEND OREILLE. The motion carried in an unanimous vote.

REPORTS

Fish Management Plan

Scott Grunder, Fishery Program Coordinator, provided an update on the status of the 2007 – 2012 Fisheries Management Plan (Appendix 40, Exhibit 18).

The Department's 2001-2006 Fisheries Management Plan has expired. During calendar year 2006, Fisheries Bureau staff developed the Draft 2007-2012 Fisheries Management Plan incorporating results of the 2006 Angler Opinion Survey and public comment. A second round of public comment on the Draft Plan is open through January 2007. Bureau staff previously briefed the Commission on preliminary results of the angler opinion survey in July 2006. At that meeting, Bureau staff sought and gained Commission approval to seek public review and comment. Mr. Grunder has considered and incorporated public comments received to date as appropriate and will do the same following the second round of comments. The briefing summarized public comment and highlighted key components of the Draft Plan. The Department will seek Commission approval of the 2007-2012 Fisheries Management Plan in March 2007.

Idaho Fish and Wildlife Foundation Update

Chairman Wheeler distributed the Redbird Property Option to Purchase Agreement (Appendix 40, Exhibit 19) to Commissioners. Commissioners were concerned with the language under 2. Option to Purchase: Within the specified term of the above referenced Lease Agreement, should the Foundation provide written notification to the Department of its decision to divest itself of the property or any portion of the property, the Department shall have the right and option to purchase the said property laying between the 1,000 foot and the 2,800 foot contour lines which consists of the land and all improvements.

Chairman Wheeler stated that the reason for this wording was related to the potential that Foundation for North American Sheep (FNAWS) did not come through with their

financial commitment. The Department, Deputy Attorney General Dallas Burkhalter and Commissioner Budge will work on reviewing the Option to Purchase Agreement.

Gayle Valentine, Funding Coordinator, updated the Commission on the Idaho Fish and Wildlife Foundation; she noted that FNAWS Board of Directors is scheduled to meet January 20th to reconfirm the financial commitment to Redbird Property; Spirit Lake Boating Access Agreement was completed in December 2006; Maynard Gulch land donation from the Harris Brighton Partnership was also completed the end of December. Online Trip Auction, previously known as Radio Auction scheduled for March 2007; Memorial Gifts totaling \$2 million dollars; and the board meeting is scheduled for January 19-20th in Boise. Ms. Valentine distributed a copy of the Idaho Fish and Wildlife Foundation brochure regarding gifting of land to the Foundation (Appendix 40, Exhibit 20).

Yellowstone Cutthroat Plan

Scott Grunder, Fishery Program Coordinator, provided a report on the Yellowstone Cutthroat Plan (Appendix 40, Exhibit 21).

Due to a variety of factors, Yellowstone cutthroat trout have declined across their historic range in the western United States. In Idaho, Yellowstone cutthroat trout occupy 61% of their historical range. The Fisheries Bureau has prepared a Draft Management Plan for the Conservation of Yellowstone Cutthroat Trout in Idaho. This draft plan summarizes historical and current information on Yellowstone cutthroat trout throughout its range in Idaho. The draft plan describes their status with respect to abundance, trends, genetics, and an evaluation of land and water management effects on the subspecies. The plan includes management strategies and conservation actions to increase the persistence of Yellowstone cutthroat trout across Idaho. Previously, the Commission was briefed on the population status of Yellowstone cutthroat trout in Idaho based on a statewide survey conducted by the Department from 1999-2003. This presentation provided an overview of the management strategies and conservation actions we propose to increase the persistence of Yellowstone cutthroat trout. The Fisheries Bureau seeks approval from the Commission to solicit public review of this draft plan.

07-21 Commissioner Irby moved and Commissioner Barowsky seconded a motion TO APPROVE THE 30-DAY PUBLIC COMMENT PERIOD ON THE DRAFT MANAGEMENT PLAN FOR CONSERVATION OF YELLOWSTONE CUTTHROAT TROUT IN IDAHO. The motion carried in a unanimous vote.

LANDS

Smith Creek Land Donation

Gregg Servheen provided an update on the Smith Creek property donation to the Commission (Appendix 40, Exhibit 22). Mr. Servheen stated that this is an acquisition by fee-title donation of a 620-acre parcel located on the Kootenai River flood plain in Boundary County. This project was conceptually approved by the Commission during Executive Session in November 2006.

The parcel adjoins the southern end of the 1,400-acre Boundary Creek Wildlife Management Area (WMA) and is encumbered by a Wetland Reserve Program (WRP) easement. The property will be incorporated into the Northern Idaho WMA which includes a 40-acre wildlife mitigation parcel near Elmira. Operational funding for the donated parcel will be provided by BPA in exchange for Albeni Falls mitigation credits.

Ducks Unlimited (DU) acquired the Smith Creek property in 2003, via a North American Wetland Conservation Act Grant. Following the acquisition, DU and the Department entered into an MOU and lease allowing the Department to assume management authority for the property. Currently, there is no stable source of operating funds to control the spread and new introductions of invasive noxious weeds on the donated property. The Department manages the property in cooperation with a local citizen management committee.

Once under Department ownership, an operating budget will be provided by the Bonneville Power Authority (BPA) through the Albeni Falls Wildlife Mitigation Program. Department ownership of the gifted property and its enrollment under the BPA program will increase management economies of scale and our abilities to improve the habitat on these two contiguous parcels.

IDFG pays a fee in lieu of taxes (FLIT) for all fee-title properties. It is estimated FLIT payments will be \$4.76 per acre, for a total annual cost of approximately \$2,953 for the subject property.

07-22 Commissioner McDermott moved and Commissioner Power seconded a motion TO ACCEPT THE SMITH CREEK LAND DONATION PROPERTY. The motion carried in a unanimous vote.

MISCELLANEOUS**Adjournment**

The Commission meeting adjourned at 11:00 a.m.

Cameron Wheeler
Chairman

Cal Groen
Secretary